

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SOFTVIEW LLC,

Plaintiff,

v.

Civ. No. 10-389-LPS

APPLE INC.; AT&T MOBILITY LLC;  
DELL INC.; HTC CORP.; HTC AMERICA,  
INC.; EXEDEA, INC.; HUAWEI  
TECHNOLOGIES CO., LTD.;  
FUTUREWEI TECHNOLOGIES, INC.;  
KYOCERA CORP.;  
KYOCERA WIRELESS CORP.; LG  
ELECTRONICS, INC.; LG  
ELECTRONICS USA, INC.; LG  
ELECTRONICS MOBILECOMM U.S.A.,  
INC.; MOTOROLA MOBILITY INC.;  
SAMSUNG ELECTRONICS CO., LTD.;  
SAMSUNG ELECTRONICS AMERICA,  
INC.; SAMSUNG  
TELECOMMUNICATIONS AMERICA,  
LLC; and SONY ERICSSON MOBILE  
COMMUNICATIONS (USA) INC.,

Defendants.

**ORDER**

At Wilmington, this 26th day of July, 2012:

For the reasons set forth in the Memorandum Opinion issued this date,

**IT IS HEREBY ORDERED** that:

1. Defendant Dell Inc.'s Motion to Stay Pending *Inter Partes* Reexamination (D.I. 150), joined by Samsung Electronics America, Inc., Samsung Electronics Co. Ltd., and Samsung Telecommunications America LLC (D.I. 156); HTC Corp.,

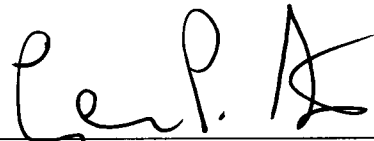
HTC America, Inc., and Exedea, Inc. (D.I. 172); LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics Mobilecomm USA Inc. (D.I. 185); and Sony Ericsson Mobile Communications (USA) Inc. (D.I. 211), is **DENIED**.

2. Defendants Huawei Technologies Co., Ltd.'s and Futurewei Technologies, Inc.'s Motion to Stay (D.I. 153) is **DENIED**.
3. Apple Inc.'s and AT&T Mobility LLC's Motion to Stay Litigation Pending Reexamination of Both Patents-in-Suit (D.I. 159) is **DENIED**.
4. Defendant AT&T Mobility LLC's Motion to Dismiss SoftView's Indirect and Willful Infringement Allegations Pursuant to Federal Rule of Civil Procedure 12(b)(6) (D.I. 273) is **DENIED**.
5. Defendants Kyocera's Motion to Dismiss Plaintiff's Claims of Indirect and Willful Infringement Pursuant to Federal Rule of Civil Procedure 12(b)(6) (D.I. 275) is **GRANTED-IN-PART** without prejudice, with respect to SoftView's allegations of indirect infringement based on pre-suit knowledge of the patents-in-suit, as well as SoftView's allegations of willful infringement, and is **DENIED** in all other respects.
6. Defendants LG Electronics, Inc.'s, LG Electronics USA, Inc.'s, and LG Electronics Mobilecomm USA Inc.'s Motion to Dismiss Plaintiff's Claims of Indirect and Willful Infringement Pursuant to Federal Rule of Civil Procedure 12(b)(6) (D.I. 271), joined by Defendants Samsung Electronics America, Inc., Samsung Electronics Co., Ltd., and Samsung Telecommunications America LLC (D.I. 277), as well as and Huawei Technologies Co., Ltd. and Futurewei

Technologies, Inc. (D.I. 279), is **DENIED**.

7. Defendant Dell Inc.'s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (D.I. 273) is **DENIED**.
8. Defendant Motorola Mobility, Inc.'s Motion to Dismiss Claims of Indirect and Willful Infringement Pursuant to Fed. R. Civ. P. 12(b)(6) (D.I. 282) is **DENIED**.
9. Defendants HTC Corp., HTC America, Inc., and Exedea, Inc.'s Motion to Dismiss SoftView's Allegations of Indirect and Willful Infringement (D.I. 278) is **DENIED**.
10. Defendant Sony Ericsson Mobile Communications (USA) Inc.'s Motion to Dismiss SoftView's Allegations of Indirect and Willful Infringement (D.I. 280) is **DENIED**.
11. The Clerk of Court is hereby **DIRECTED** to assign separate civil action numbers in each of the following actions between SoftView and the following Defendant groups, using the Fourth Amended Complaint (D.I. 254) filed in this action:
  - (a) Apple Inc. and AT&T (to remain Civil Action No. 10-389);
  - (b) HTC Corp., HTC America, Inc., Exedea, Inc., and AT&T;
  - (c) Huawei Technologies Co., Ltd., Futurewei Technologies, Inc., and AT&T;
  - (d) LG Electronics Inc., LG Electronics USA, Inc., and LG Electronics Mobilecomm U.S.A., Inc., and AT&T;
  - (e) Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC, and AT&T;
  - (f) Dell Inc. and AT&T;

- (g) Kyocera Corp. and Kyocera Wireless Corp.;
  - (h) Motorola Mobility Inc. and AT&T;
  - (i) Sony Ericsson Mobile Communications (USA) Inc. and AT&T.
12. Within three (3) days of opening these actions, SoftView will file a copy of the patents-in-suit, the Civil Cover Sheet, and the Report to the Patent and Trademark Office as required by the District of Delaware Local Rules. Service of process in Civil Action No. 10-389 shall be deemed to effect service of process in the newly-opened cases.
13. Each of the newly-opened cases are hereby **CONSOLIDATED** with Civil Action No. 10-389 for all pre-trial purposes, and shall proceed pursuant to the existing Rule 16 Scheduling Order entered in Civil Action No. 10-389 (D.I. 250).
14. All papers shall be filed in Civil Action No. 10-389.
15. Plaintiff's Motion for Redaction of Transcript of Hearing on May 3, 2012 (D.I. 395) is **DENIED**.



UNITED STATES DISTRICT JUDGE